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**SF 2199** – Interpreters in Court Proceedings (LSB 5348SV)

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Fiscal Note Version – New

Requested by Senator Robert M. Hogg

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### **Description**

**Senate File 2199** relates to interpreters and translators for Limited English Proficient (LEP) participants in legal proceedings and in court-ordered programs. This Bill requires the Judicial Branch to pay for court interpreters and translators from the Jury and Witness Fee Revolving Fund for all types of court proceedings (civil, criminal, and juvenile) and predisposition court-ordered programs (mediation and Children in the Middle) regardless of case type or economic status of the LEP participant and without charging interpreter fees back to the party or parties.

### **Background**

- Since 2002, the **U.S. Department of Justice** (USDOJ) has interpreted Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d *et seq.*), to mean that all organizations that receive federal funds must provide competent interpreter services to Limited English Proficient (LEP) participants in their programs, free of cost. Any recipient of federal funds that fails to comply with the USDOJ requirements may lose federal funding.
- From October 1, 2011 through September 30, 2014, the Judicial Branch received two federal DOJ grants totaling \$1.3 million that are being used for a pilot domestic violence court in Black Hawk County and to improve the handling of domestic violence cases and batterers' education for judges and court staff. Both grants have received a one-year extension.
- The District of Columbia and 10 states, including Minnesota and Wisconsin, are in compliance with the USDOJ requirement to cover the costs for all interpreters in all cases free of charge to the LEP participants. Colorado, North Carolina, Maine, and Rhode Island have negotiated settlement agreements with the USDOJ for not being in compliance.
- Currently, Iowa pays for all court interpreters, but those costs are charged back to the indigent LEP criminal defendants as legal expenses under Iowa Code section **815.9**, and charged back to LEP civil litigants as court costs under Iowa Code section **622A.3**. The costs are billed back to the party as part of court costs and approximately 10.0% is collected. Any reimbursements are deposited in the State General Fund.
- Iowa Code section **622B** requires counties to pay the fees of interpreters for the deaf or hard of hearing persons involved in court proceedings, without charging those costs back to the person needing services.
- The State currently does not pay for interpreters in court-ordered programs such as mediation and Children in the Middle.

### **Fiscal Impact**

The annual fiscal impact of SF 2199 is an additional cost to the General Fund of \$288,000 and 1.0 FTE position. This includes:

- The additional annual General Fund cost for programs not currently covered (mediation and Children in the Middle) is \$228,000.

- The Judicial Branch is requesting \$60,000 and one FTE position to process all court interpreter and translator fee claims.

If the Judicial Branch starts paying all interpreter and translator claims, money from the Indigent Defense Fund and the State Public Defender's operating budget totaling \$320,000 will need to be transferred to the Jury and Witness Fee Revolving Fund in the Judicial Branch. This is not new funding, but transfer of existing funding. Based on a three-year average of payments, the amount of money transferred from the State Public Defender's operating budget Fund is \$125,000 and from the Indigent Defense Fund is \$195,000.

Also, if interpreters are provided free of charge and paid for by the Judicial Branch from the Jury and Witness Fee Revolving Fund, there will be a reduction in General Fund revenues of approximately \$45,000 to reflect the elimination of the current reimbursements received.

### **Sources**

State Public Defender  
Judicial Branch

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/s/ Holly M. Lyons

February 25, 2014

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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